

June 28, 2006

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 28, 2006, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5  
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Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
WENDELL J. EBERLY, Director of Recreation & Facilities  
WARREN G. HEIDT, Director of Public Works  
DIANA C. STULTZ, Zoning Administrator  
WILLIAM L. VAUGHN, Director of Community Development  
DOTTIE L. BOWEN, Deputy Clerk  
DONALD F. KOMARA, Resident Engineer  
Virginia Department of Transportation

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION.**

Chairman Breeden called the meeting to order at 6:00 p.m.

Boy Scout Troop 83 led the Pledge of Allegiance, and Vice-Chairman Kyger gave the Invocation.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the Minutes of the Meeting held on June 14, 2006, with a correction to the conditions for S06-30, Olde Town, LLC, to reflect the approved dimensions of the sign.

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**RESOLUTION 06-11 - TURNER ASHBY HIGH SCHOOL 2006 BASEBALL TEAM REGION II CHAMPIONS.**

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution and presented a copy to the Turner Ashby High School Baseball Team.

**RESOLUTION  
TURNER ASHBY HIGH SCHOOL KNIGHTS**

**WHEREAS**, the Turner Ashby High School Knights Baseball Team was organized in the school year of 1956-57; and

**WHEREAS**, the Turner Ashby High School Knights Baseball Team has brought great honor and esteem to its school, community and this County, by winning the Valley District Regular Season and the Region II Championship; and

**WHEREAS**, the Turner Ashby High School Knights Baseball Team, by virtue of these victories, qualified for the Virginia State AA Championship; and

**WHEREAS**, on June 10, 2006, in Radford, Virginia, the Turner Ashby High School Knights Baseball Team, under the tutelage of its coach Mr. Richie Anderson, with a 26-1 record, won a hard-fought game 5 to 0 against Tunstall of Dry Fork to become champions of the Virginia State Group AA for 2006, earning the respect and admiration of our entire community; and

**WHEREAS**, this team, in the 50<sup>th</sup> year of the school, is to be admired as much for its off-the-field accomplishments as the aforementioned on-field accolades, by the high standards that they set for all student athletes of our area, both in terms of academic achievement and community involvement;

**NOW, THEREFORE, WITH THIS PROCLAMATION**, the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, hereby **RECOGNIZES** the Turner Ashby High School Knights Baseball Team and its coach for the exemplary skill they have displayed in their accomplishments and calls upon the citizens of this community to join the Board in congratulating this outstanding group of young citizens.

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**RESOLUTION 06-12 - ROBERT L. "BOB" SHIFLET, RETIREMENT FROM ROCKINGHAM COUNTY ELECTORAL BOARD.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution and presented a copy to Robert L. Shiflet.

**RESOLUTION  
ROBERT L. SHIFLET**

**WHEREAS**, Robert L. "Bob" Shiflet was appointed to the Rockingham County Electoral Board and was appointed as Secretary of the Electoral Board on March 1, 1982; and

**WHEREAS**, Mr. Shiflet has exhibited strong leadership and a thorough knowledge of State electoral law and State Board of Elections regulations; and

**WHEREAS**, Mr. Shiflet has served as a member of the longest continuous serving, three-member Electoral Board team in the State of Virginia; and

**WHEREAS**, Mr. Shiflet, a loyal and dedicated public servant who has assisted in the Rockingham County election process for 24 years, will retire from the Rockingham County Electoral Board on June 30, 2006;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Rockingham, Virginia, that said Board does hereby recognize and congratulate Mr. Shiflet as he celebrates his retirement from the Rockingham County Electoral Board; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors expresses its sincere gratitude to Mr. Shiflet and wishes him well in the coming years.

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**RESOLUTION 06-13 - WILLIAM H. "BILL" STRIDER, CSPDC  
EXECUTIVE DIRECTOR - RETIREMENT FROM CENTRAL SHENANDOAH  
PLANNING DISTRICT COMMISSION.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution and presented a copy to William H. Strider.

**RESOLUTION**  
**WILLIAM H. "BILL" STRIDER**

**WHEREAS**, William H. "Bill" Strider began his tenure as Executive Director at the Central Shenandoah Planning District Commission (CSPDC) in December 1987 and has conscientiously served the Planning District's five counties, five cities, and eleven towns with intense dedication; and

**WHEREAS**, under his professional leadership, the CSPDC has fulfilled its mission statement by providing planning assistance and securing millions of dollars to fund hundreds of projects within the region; and

**WHEREAS**, in the last eight years alone, these projects, totaling approximately \$74 million, included \$37 million in community facilities, \$16 million in disaster mitigation and environmental protection, \$10 million for economic development, \$6 million in transportation, and \$5 million in housing projects, leveraging about \$140 for every \$1.00 localities pay in annual dues; and

**WHEREAS**, Mr. Strider has assisted Rockingham County with the Lilly Gardens Community Needs Assessment; Rockingham County Flood Mitigation; First Time Homebuyers Program; Shenandoah Valley Partnership; Project Impact, Rockingham County Public Transportation Needs Assessment; Harrisonburg-Rockingham Metropolitan Planning Organization; Friendship Industries-Employment Opportunities for Persons with Disabilities; Route 33 Access Management Study and numerous other transportation enhancement projects; numerous community development, housing, and infrastructure improvement projects; and numerous regional plans that include Rockingham County such as the Greenways Plan, Bicycle Plan, and the All Hazards Mitigation Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Rockingham County Board of Supervisors does hereby express its sincere appreciation to William H. "Bill" Strider for his distinguished service as the Executive Director of the Central Shenandoah Planning District Commission and extends its best wishes to him and his family in the future.

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Mr. Strider introduced A. Ray Griffin, the new CSPDC Executive Director.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

In response to a question from Supervisor Kyger, Mr. Komara advised that the area on Route 682 and Freidens Church Road had been mowed.

Supervisor Kyger asked if a stop sign could be installed where Routes 682 and 687 connect at the railroad crossing, going east on Route 682. Mr. Komara will investigate that possibility.

Supervisor Ahrend thanked Mr. Komara for having the grass mowed at the entrance to the Singers Glen Lawn Party last week.

He described a site at the intersection of Hollow School Road (Route 753) and John Brock Road (Route 783), where a field is elevated about five feet and, although the grass is mowed, the sight distance is very poor because of the land elevation. Mr. Komara said he was familiar with the site, and half the field would have to be removed in order to improve the sight distance. He noted that the landowner would have to approve any work done on the property. In response to an inquiry from Supervisor Ahrend, he said he would look into the possibility of installing a stop sign at that site.

Supervisor Cuevas shared with Mr. Komara a letter from a citizen who requested improvements to the "park-and-ride" facility at Mauzy, such as a ride-sharing board for posting information on those who wish to share rides. Mr. Komara will follow up with the writer.

In response to a question from Supervisor Floyd concerning a water run-off problem on Route 689, which seems to be originating from the new development in that area, Mr. Komara said VDOT has been in contact with the owner of the development and the VDOT engineers are looking at possible ways to alleviate the problem.

Chairman Breeden noted a recent accident involving a fatality on Route 340 and advised that several citizens have expressed concern that rain water builds up on the road in that area and causes hazardous driving conditions.

He noted also that a citizen has reported that water accumulates in the "park and ride" facility in Elkton.

Mr. Komara advised that he would look into possible solutions to these drainage questions.

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#### SCENIC BYWAYS.

In regard to a proposal recently made to the Board for certain sections of Route 11 (Valley Pike) to be endorsed for Scenic Byway designation, Mr. Paxton advised that a Virginia scenic byway is a road which has been endorsed by the County to be a scenic road, and a scenic road is one that meets the criteria for a scenic byway but has not been endorsed as such by the locality. Given the concerns the County has over issues related to signage and potential pressure on the Board for restrictions on land use in areas that could provide economic activity for the County, there was a consensus of the Board to take no action on the

proposal to endorse Route 11 (Valley Pike) as a scenic byway.

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REVENUE SHARING.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board endorsed the transfer of the following revenue sharing funds that had been previously allocated to the Route 644, Resort Drive, Project.

|   |                        |            |          |
|---|------------------------|------------|----------|
| • | 0732-082,N501          | \$ 30,000  | FY 03-04 |
| • | Rte 11 Industrial Park | \$ 300,000 | FY 03-04 |
| • | 1202-082,N501          | \$ 45,000  | FY 02-03 |
| • | 1208-206-249,N503      | \$ 25,000  | FY 02-03 |
| • |                        | \$ 125,000 | FY 01-02 |
| • |                        |            |          |
| • | 1209-206,N503          | \$ 35,000  | FY 00-01 |
| • | 1208-206,N501          | \$ 75,000  | FY 99-00 |
| • | 033 1-Bluestone Drive  | \$ 127,000 | FY 98-99 |
| • | 1208-206-249,N502      | \$ 10,000  | FY 98-99 |
|   | Total                  | \$ 772,000 |          |

With approval of this transfer, the following funds have been allocated for this project.

|   |                         |             |                   |
|---|-------------------------|-------------|-------------------|
| • | State Secondary dollars | \$3,008 126 | previous funding  |
| • |                         | \$ 648,527  | FY 06-07          |
|   | Total:                  | \$3,656,653 |                   |
| • | Revenue Sharing dollars | \$ 229,750  | FY 96-97          |
|   |                         | \$ 95,526   | FY 97-98          |
|   |                         | \$ 200,000  | FY 98-99          |
|   |                         | \$ 50,000   | FY 00-01          |
|   |                         | \$ 591,580  | FY 04-05          |
|   |                         | \$ 744,920  | FY 05-06          |
|   |                         | \$ 772,000  | FY 05-06 Transfer |
|   | Total                   | \$2,683,776 |                   |

The Revenue Sharing Funds listed above will be matched by Great Eastern Management, Inc., which will provide a total of \$9,024,205.

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BUILDINGS AND GROUNDS MATTERS.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Buildings and Grounds Committee, the Board:

- awarded the bid for three sets of bleachers (one set for Wilbur Pence Middle School and two sets for J. Frank Hillyard Middle School) to the low bidder (meeting the design requirements), Grandstand Design Enterprises, Inc., bid of \$12,800 each, \$38,400 total.
- Awarded the bid for painting of the jail to D.T. Paint & Construction, Inc., of Chesterfield VA in the amount of \$43,995.
- Awarded the bid for dehumidification of the lower level of the Plains District Community Center to Riddleberger Brothers, Inc., in the amount of \$83,515.

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**FLOOD MITIGATION PROJECT - GEORGE ROHRER PROPERTY.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board agreed to endorse a flood mitigation project for the George Rohrer property 105-(A)-L158A 16.28 acres and agreed to waive the landfill fees for the river material that will be moved during the project.

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**PUBLIC HEARING - SPECIAL USE PERMITS.**

At 7:02 p.m., Chairman Breeden opened the meeting for a public hearing on the following special use permit requests. Ms. Stultz reviewed the particulars of each request.

S06-34, request of Lorie Lawson for domestic animals on property located on the south side of Thoroughfare Road (Route 625) approximately 735' west of Dry Run Falls Trail (private road), Election District #5, zoned RR1. Tax Map #132-(2)-1 and 133-(A)-2.

Ms. Lawson explained that her family was "asking to enjoy our property and provide an enriching experience for our grandkids."

Ronnie Conley complained that when another resident in the same subdivision came before the Board for a special use permit to raise fighting game cocks, the Lawsons opposed the permit and cited the subdivision's restrictive covenants on keeping animals. He thought it was unfair that the same people now were asking for a permit to keep horses, cows, pigs, goats and laying hens.

Mary Conley said her children wanted to enjoy animals also. She said her father gave her children some of the game cocks, but the child was not allowed to keep them. She said the restrictive covenants should be the same for all the residents.

Chairman Breeden pointed out that, in the earlier request of Mr. Owens, the question was the number of fowl that would have been kept on the site.

Mr. Conley said he had to move "everything I had there for 18 years."

Chairman Breeden advised that the ordinance had been changed to limit the number of animals, whether it was fowl, cattle on any other animal.

Ms. Stultz noted that in the earlier ordinance, a "unit" of fowl was 300, and the Board found that 300 were too many. She advised that the number was lowered but not restricted to permit no fowl at all.

Donnie Williams said, when the earlier request was considered, the objection was to the number of animals, not to keep the applicant from having anything.

Brenda Williams said Mr. Owens, the earlier applicant, was raising fighting cocks as a commercial business and they were destroying the neighbors' properties.

Chairman Breeden said the Board considered all fowl as fowl.

Carlotta Life asked whether approval of the request would be for every parcel in the subdivision.

Chairman Breeden explained that it would be only for the applicant's property.

Ms. Lawson said her concerns and the concerns of her neighbors at the time of the Owens request was the unsightliness of the Owens property and the tremendous noise being created by the hundreds of fighting cocks. She pointed out that there was a great deal of difference in 300 fighting cocks being housed in orange barrels and the "pastoral and bucolic" view of horses grazing in a field. She assured the Board that her family had no intention of running a business, but were simply trying to "add value" to their property by having a few horses for pleasure and a few goats to help keep the vegetation cut. She said they might want to add a cow at a later time but



nothing that would create noise or cause inconvenience to the neighbors.

Mr. Conley asserted that fighting cocks did not crow at night. He said he did not consider fighting cocks tied to barrels to be unsightly. He said he was not a "horse man," and he thought the fighting cocks tied to barrels were "just as beautiful as a horse out in the field."

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S06-35, request of Donnie & Brenda Williams for domestic animals on property located on the west side of Dry Run Falls Trail (private road) approximately 800' south of Thoroughfare Road (Route 625), Election District #5, zoned RR1. Tax Map #133-(1)-9.

Mr. Williams said they would like have a few goats to "help with the grooming of the land, to alleviate a lot of weed eating."

Mr. Conley said, "I don't care what they have. I just want the same respect."

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S06-36, request of Shenandoah Mobile Company for a telecommunications facility (75' monopole tower with accessory equipment) on property located on the south side of Mountain Top Lane (private road) approximately 1/2 mile north of Brocks Gap Road (Route 259), Election District #1, zoned RR1. Tax Map #38-(1)-5.

George Condyles, County's consultant, Atlantic Technologies, said the site had been used for a tower at some point in the past about 20 or 30 years ago. He advised that the applicant would be using the topography of the site just as the County preferred. He said one other carrier could co-locate on the tower and have excellent coverage. He said the application had "merit and should be allowed to go forward."

Paula Figgatt, Shentel Site Manager, explained that the tower was needed to provide service to the residents in the area, and an additional site would be needed to reach the Bergton community.

James Harpine, adjoining landowner, said he had lived in his home for 27 years and did not "want to see a big tower next door." He asked that the applicant "pick another place" for the tower's location.

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S06-37, request of Jerry Robin Critcher for a residence involving a non-family division on property

located on the south side of Fordview Road (Route 691) approximately 3/10 mile east of Nucker Road (Route 992), Election District #3, zoned A1. Tax Map #149-(A)-49.

George Shiflet said he had "known the family for many years" and would "welcome them to the Shenandoah Valley." He asked that the request be approved.

Lois Tucker explained that the applicants were her niece and nephew so they were "family." She said her sister was elderly and would probably live there as well.

Jerry Critcher said he married into the family and visited the property for 25 years, and he wanted to make it his home.

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S06-38, request of Layton L. Yancey, III, for a residence involving a non-family division on property located on the west side of Flook Lane (Route 724) approximately 4/10 mile northwest of Mountain Valley Road (Route 620), Election District #3, zoned A1. Tax Map #96-(A)-73.

Mr. Yancey said he would like to sell the property for a "nice house." He indicated that he had "no use for the property because it sets off to the side of the farm."

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S06-39, request of Ernest F. Myers for a residence involving a non-family division on property located on the west side of Hulings Lane (Route 850) approximately 450' north of Endless Caverns Road (Route 793), Election District #1, zoned A1. Tax Map #54-(A)-37.

Mr. Myers said he wanted to sell the property because he did not know he was going to live to be 84 years old.

Trina Hazelett, daughter of applicant, said the land division was necessary because of a financial hardship.

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S06-40, request of Randolph M. & Bonnie M. Hammer for a residence involving a non-family division on property located on the southeast side of East Point Road (Route 602) at its intersection with Stephen Conrad Road (Route 979), Election District #5, zoned A1. Tax Map #130-(A)-10.

Mrs. Hammer said she and her husband wanted to "sell off 6 acres for financial reasons." She said the family was "facing a health issue" and there was "not enough property for a viable farm."

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S06-41, request of Phillip A. Glick for a shop to work on company trucks on property located on the southeast side of Snapps Creek Road (Route 752) approximately 3/10 mile southwest of Greenmount Road (Route 772), Election District #2, zoned A2. Tax Map #77-(A)-114.

Ms. Stultz said Mr. Glick had an emergency call and had to leave the hearing.

D.J. Massley was he was concerned about the hours of operation, the number of trucks to be serviced and what the property would be used for if the shop was not successful.

Ms. Stultz explained that the shop was to be used for servicing company trucks only, and any change in the use of the site would have to be approved by the Board after another public hearing process. She noted that the applicant did not have a large fleet of trucks.

Mr. Massley said, since the truck belonged to the applicant, he did not object.

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S06-42, request of Joseph H. Hartman for a second residence (for applicant and his family) on property located on the northwest corner of Harpine Highway (Route 42) and Klines Mill Road (Route 784), Election District #2, zoned A1. Tax Map #65-(A)-10.

Mr. Hartman explained that his present house was not large enough for his family and he wished to build a larger home. He said he did not want to raze the smaller house but might "want to rent it to someone in the family" at a future time.

Supervisor Ahrend said the Board tried to protect A-1 land. He said the land could be divided again in five years. He noted that the Board tries to get people to build houses where there is public water and sewer in order to protect agricultural land.

Supervisor Cuevas said the agricultural community has asked the Board to protect the integrity of agricultural land and not to allow renters in A-1 areas unless they were farmhands. He expressed concern that, if renters were permitted in, for example, mobile homes, more and more would be added until there was a mobile home park.

Mr. Hartman said his 5 children ranged in age from 4 to 16, so that it would be some time before one of his children could live in the smaller home. He noted that he did not have any farm hands.

Supervisor Ahrend said he saw this request as "somewhat unique" because the applicant was not asking to build a house for rental purposes but simply to accommodate his family size.

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S06-43, request of McGaheysville Volunteer Fire Co., Inc., for an increase in sign size to 50 square feet and 35 feet in height to advertise Bingo on property located on the northwest side of Spotswood Trail (Route 33) and Stover Drive (Route 649), Election District #5, zoned A2. Tax Map #128-(A)-47.

Earl Hensley, McGaheysville Volunteer Fire Co. Chief, said the Company wanted to advertise their Bingo games as well as community events such as changing smoke detectors. He said the sign would be digital and would be lit, and that it "might mimic the bank sign."

After questioning from Chairman Breeden concerning the proposed size of the sign, Chief Hensley said the Company would be willing to adjust the size as necessary.

J.L. Hopkins said he was in favor of the sign, noting the volunteer efforts of the Fire Company and their many contributions to the community.

Randolph Hamner said he was in favor, that the sign would be a "great asset" to the community.

Ms. Stultz noted that there was one letter in opposition.

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S06-44, request of City of Harrisonburg, %Water & Sewer Department, for a municipal water tank on property located on the southeast side of Ramblewood Road (City) approximately 1/4 mile south of Stone Spring Road (Route 726), Election District #3, zoned A2. Tax Map #124-(A)-150.

Mike Collins, Harrisonburg Public Utilities Director, said the tank was necessary, that there was no alternative site and that there was a strong engineering recommendation for the site. He noted that it would be "about a 68 ft. tank.

Supervisor Kyger asked what the City's policy would be for a cell company locating an antenna on the site. Mr. Collins said the City would be open to that, with certain restrictions.

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At 8:46 p.m., Chairman Breeden closed the public hearing and called the regular meeting back to order.

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At the request of Chairman Breeden, on motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-34, request of Lorie Lawson for domestic animals on property located on the south side of Thoroughfare Road (Route 625) approximately 735' west of Dry Run Falls Trail (private road), Election District #5, zoned RR1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) All of the animals shall be confined to the applicant's two lots and shall not be allowed to roam onto neighboring property.
- (3) This permit is approved for 4-legged animals only as listed in the Rockingham County Code under animal husbandry. However, this shall not include swine; and additionally there shall be no fowl on the property.

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At the request of Chairman Breeden, on motion by Supervisor Ahrend, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-35, request of Donnie & Brenda Williams for domestic animals on property located on the west side of Dry Run Falls Trail (private road) approximately 800' south of Thoroughfare Road (Route 625), Election District #5, zoned RR1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) All of the animals shall be confined to the applicant's lot and shall not be allowed to roam onto neighboring property.
- (3) This permit is approved for 4-legged animals only as listed in the Rockingham County Code under animal husbandry. However, this shall not include swine; and additionally there shall be no fowl on the property.

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Noting the great need for cell phone service in that area of the County, on motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-36, request of Shenandoah Mobile Company for a telecommunications facility (75' monopole tower with accessory equipment) on property located on the south side of Mountain Top Lane (private road) approximately 1/2 mile north of Brocks Gap Road (Route 259), Election District #1, zoned RR1.

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) As required by VDOT, the entrance shall be widened to accommodate large truck traffic.
- (4) As required by VDOT, any vehicles associated with this use that are stopped in the roadway must be accompanied by a certified flagger.
- (6) The telecommunications tower as approved under this permit shall not exceed 75'.
- (7) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (8) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (9) The owner or operator of the telecommunications facility shall meet all requirements of Division 6A Telecommunications Facilities of the Rockingham County Code.
- (10) The applicant shall perform a National Environmental Policy Act (NEPA) study as required by FCC and a copy of same shall be provided to the Community Development Department prior to issuance of final zoning approval for building permits.
- (11) The applicant shall perform a State Historic Preservation Office (SHPO) review as required by FCC. A copy of the results shall be provided to the Community Development Department prior to issuance of final zoning approval for a building permit.
- (12) Applicant shall perform a non-ionizing electromagnetic radiation (NIER) analysis on the cumulative effect of

all antennas to be located on the structure to ensure a safe environment for workers and the general public who may be exposed. A copy of said analysis shall be provided to the Community Development Department.

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Supervisor Floyd noted that the Board seldom grants a non-family division, and he moved to deny S06-37, request of Jerry Robin Critcher for a residence involving a non-family division. Supervisor Kyger seconded the motion "for the purpose of discussion."

Supervisor Kyger pointed out that the residence would be used by a niece, a family member, although not "family" as defined by the ordinance and State Code.

Supervisor Cuevas noted that, even though the request did not follow the "strict policy of the Board," nevertheless, it left it "open for consideration."

Attorney Brown advised that it was "still up to the Board's discretion." He pointed out that the Board could "see this as sort of similar to a family division because of the close relationship of the parties involved."

Supervisor Floyd withdrew his motion and Supervisor Kyger withdrew his second.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-37, request of Jerry Robin Critcher for a residence involving a non-family division on property located on the south side of Fordview Road (Route 691) approximately 3/10 mile east of Nucker Road (Route 992), Election District #3, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) The residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permit shall be obtained.
- (3) A private entrance permit shall be obtained from VDOT's Harrisonburg office and shall be presented to the Department of Community Development prior to the division.
- (4) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (5) If deed exception is made within two years from date of approval of the special use permit, the residence on the property shall be exempt from the two year completion date. However, at time a request is made

to construct a residence on the property, all County regulations in effect at that time must be met.

- (6) This residence shall not be used for rental purposes.
- (7) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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Noting that the request did not involve a family division and that there did not seem to be any relationship between the applicant and the person who would use the land, on motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board denied S06-38, request of Layton L. Yancey, III, for a residence involving a non-family division on property located on the west side of Flook Lane (Route 724) approximately 4/10 mile northwest of Mountain Valley Road (Route 620), Election District #3, zoned A1.

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In regard to S06-39, request of Ernest F. Myers for a residence involving a non-family division, Supervisor Cuevas pointed out that this was another request for a division that did not involve a family member. He noted that he would be willing to table this matter and give staff an opportunity to work with the applicant toward a possible solution. On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board tabled S06-39, request of Ernest F. Myers for a residence involving a non-family division on property located on the west side of Hulings Lane (Route 850) approximately 450' north of Endless Caverns Road (Route 793), Election District #1, zoned A1.

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At the request of Chairman Breeden to give the Board an opportunity to visit the site and decide whether the property is truly A-1 land, on motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board tabled S06-40, request of Randolph M. & Bonnie M. Hammer for a residence involving a non-family division on property located on the southeast side of East Point Road (Route 602) at its intersection with Stephen Conrad Road (Route 979), Election District #5, zoned A1.



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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-41, request of Phillip A. Glick for a shop to work on company trucks on property located on the southeast side of Snapps Creek Road (Route 752) approximately 3/10 mile southwest of Greenmount Road (Route 772), Election District #2, zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) A change of use building permit shall be obtained to convert the building from private use to a commercial garage.
- (3) As required by VDOT, applicant shall close the existing entrance and upgrade entrance at 4902 Snapps Creek Road to commercial entrance standards (paved entrance at least 24' wide). A commercial entrance permit shall be obtained from VDOT's Harrisonburg Office and submitted to the Community Development Department prior to obtaining a building permit.
- (4) As required by the Health Department, this shop shall be used by the owner of the property only and the shop shall not have plumbing.
- (5) All work shall be done inside the building, and there shall be no outside storage of parts.
- (6) No junk, trash, or debris, including but not limited to junk vehicles, shall be allowed to accumulate on the property.
- (7) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (8) As this permit is to work on company trucks only, there shall be no advertising sign allowed on the property.
- (9) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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Noting that he believed the Hartman request was "unique," on motion by Supervisor Ahrend, seconded by

Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-42, request of Joseph H. Hartman for a second residence (for applicant and his family) on property located on the northwest corner of Harpine Highway (Route 42) and Klines Mill Road (Route 784), Election District #2, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) This residence shall not be used for rental purposes.
- (4) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- (5) The existing residence on the property shall not be used for rental purposes except for a family member or farm worker.

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At the request of Chairman Breedon, on motion by Supervisor Ahrend, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-43, request of McGaheysville Volunteer Fire Co., Inc., for an increase in sign size to 50 square feet and 35 feet in height to advertise Bingo on property located on the northwest side of Spotswood Trail (Route 33) and Stover Drive (Route 649), Election District #5, zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Sign shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) Sign shall be kept in good repair and if not kept in good repair shall be removed from the property.
- (4) If the applicant should cease using this building for the fire company the sign face shall be removed. Additionally, if the applicant should cease holding Bingo at this location, that portion of the sign shall be removed.

-----

Noting that he thought the Board should visit the site, on motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled S06-44, request of City of Harrisonburg, c/o Water & Sewer Department, for a municipal water tank on property located on the southeast side of Ramblewood Road (City) approximately 1/4 mile south of Stone Spring Road (Route 726), Election District #3, zoned A2.

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**PUBLIC HEARING - AMENDMENT TO FY05-06 BUDGET.**

At 9:00 p.m., Chairman Breeden opened the meeting for a public hearing on a proposed amendment to the FY05-06 Budget for close-out of the year.

There were no requests to speak on this matter. Chairman Breeden closed the public hearing at 9:03 p.m. and called the regular meeting back to order.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board amended the Fiscal Year 2005-06 Budget and appropriated the following amounts.

**Revenues:**

**General Fund**

|                               |                  |
|-------------------------------|------------------|
| Revenue from the Commonwealth | \$ 15,557        |
| Federal grant revenue         | 16,000           |
| Charges for service           | 213,000          |
| Share of Costs – City         | 27,500           |
| Balance Carried Forward       | <u>2,806,500</u> |
|                               | \$3,078,557      |

**School Capital Projects Fund**

|                            |             |
|----------------------------|-------------|
| Transfer from General Fund | \$2,500,000 |
|----------------------------|-------------|

**Asset Forfeiture Fund**

|                            |               |
|----------------------------|---------------|
| Federal Forfeiture Revenue | \$ 20,000     |
| State Forfeiture Revenue   | 5,000         |
| Balance Carried Forward    | <u>30,000</u> |
|                            | \$ 55,000     |

**Harrisonburg-Rockingham Social Service District Fund**

|                           |               |
|---------------------------|---------------|
| Public Assistance State   | \$ 50,000     |
| Public Assistance Federal | <u>50,000</u> |
|                           | \$ 100,000    |

**Central Stores Fund**

|                     |           |
|---------------------|-----------|
| Charges for Service | \$ 14,000 |
|---------------------|-----------|

**Water & Sewer Utility Fund**

|                         |            |
|-------------------------|------------|
| Balance Carried Forward | \$ 361,000 |
|-------------------------|------------|

|  |                  |
|--|------------------|
| Countryside Sanitary District                        |                  |
| General Property Taxes                               | \$ 5,000         |
| Solid Waste Fund                                     |                  |
| Share of Costs – City                                | \$ 154,000       |
| Balance Carried Forward                              | <u>256,000</u>   |
|  | \$ 410,000       |
| Expenditures:  |                  |
| General Fund   |                  |
| General Government                                   | \$ 213,000       |
| Judicial   | 100,000          |
| Public Safety  | 116,557          |
| Public Works   | 149,000          |
| Transfer to other funds                              | <u>2,500,000</u> |
|  | \$3,078,557      |
| School Capital Projects Fund                         |                  |
| Capital Projects                                     | \$2,500,000      |
| Asset Forfeiture Fund                                |                  |
| Judicial   | \$ 55,000        |
| Harrisonburg-Rockingham Social Service District Fund |                  |
| Aid to Families with Dependant Children-Foster Care  | \$ 100,000       |
| Central Stores Fund                                  | \$ 14,000        |
| Water & Sewer Utility Fund                           |                  |
| Water & Sewer Distribution                           | \$ 361,000       |
| Countryside Sanitary District                        |                  |
| Public Works   | \$ 5,000         |
| Solid Waste Fund                                     |                  |
| Refuse Disposal                                      | \$ 410,000       |

The Budget amendment consists of the following actions:

I. GENERAL FUND

1. Central Garage (General Government)

A supplemental appropriation approved in the amount of \$213,000 for the Central Garage due to the increase in gasoline prices and additional parts/supplies. These costs will be offset by supplemental revenue of the Central Garage.

Supplemental Appropriation: \$213,000

\$200,000 GL Code: 001-01221-000-6008-000

Vehicle & Powered Equipment Fuel

\$ 13,000 GL Code: 001-01221-000-6009-000

Vehicle & Powered Equip Supplies

\$ 13,000 GL Code: 001-01619-1000

Garage Maint. Charges (Revenue)

\$200,000 GL Code: 001-01619-1100

Garage Fuel Charges (Revenue)

## 2. General District Court (Judicial)

A supplemental appropriation approved in the amount of \$8,000 for the General District Court due to more legal services, higher telecommunication costs, and furniture for the new magistrate. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$8,000

|         |                                 |                       |
|---------|---------------------------------|-----------------------|
| \$2,000 | GL Code: 001-02102-000-3100-000 | Professional Services |
| \$2,000 | GL Code: 001-02102-000-5203-000 | Telecommunications    |
| \$4,000 | GL Code: 001-02102-000-6065-000 | Minor Equipment       |
| \$8,000 | GL Code: 001-05201-0100         | Fund Reserve          |

## 3. Clerk of Circuit Court (Judicial)

A supplemental appropriation approved in the amount of \$53,000 for expenditures related to a carryover of funds received from the Records Preservation Grant in fiscal year 2004. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$53,000

|          |                                 |                          |
|----------|---------------------------------|--------------------------|
| \$53,000 | GL Code: 001-02106-150-6014-000 | Other Operating Supplies |
| \$53,000 | GL Code: 001-05201-0100         | Fund Reserve             |

## 4. Commonwealth's Attorney (Judicial)

A supplemental appropriation approved in the amount of \$39,000 due to the Commonwealth's Attorney not receiving as much asset forfeiture funds to offset expenditures, the higher cost of operating expenditures with additional staff this year, and the increasingly complex cases resulting in higher expenditures. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$39,000

|          |                                 |                         |
|----------|---------------------------------|-------------------------|
| \$ 4,000 | GL Code: 001-02201-000-3100-000 | Professional Services   |
| \$ 2,000 | GL Code: 001-02201-000-3500-000 | Printing and Binding    |
| \$ 1,000 | GL Code: 001-02201-000-4300-000 | Central Stores          |
| \$ 2,000 | GL Code: 001-02201-000-5201-000 | Postage                 |
| \$ 6,000 | GL Code: 001-02201-000-5203-000 | Telecommunications      |
| \$ 4,000 | GL Code: 001-02201-000-5401-000 | Lease/Rent Equipment    |
| \$ 8,000 | GL Code: 001-02201-000-6001-000 | Office Supplies         |
| \$ 7,000 | GL Code: 001-02201-000-6012-000 | Books and Subscriptions |
| \$ 5,000 | GL Code: 001-02201-000-6065-000 | Minor Equipment         |
| \$39,000 | GL Code: 001-05201-0100         | Fund Reserve            |

## 5. Gang Prevention Task Force (Public Safety)

A supplemental appropriation approved in the amount of \$71,000 for overtime incurred and for additional equipment and vehicle costs. These costs will be offset by \$16,000 in additional Federal revenue and the balance will be split with the City of Harrisonburg and absorbed by the General Fund Reserve.

Supplemental Appropriation: \$71,000

|          |                                 |                          |
|----------|---------------------------------|--------------------------|
| \$20,000 | GL Code: 001-03107-000-1200-000 | Overtime                 |
| \$51,000 | GL Code: 001-03107-000-6014-000 | Other Operating Supplies |
| \$16,000 | GL Code: 001-03900-3300         | Gang Task Force          |
|          |                                 | (Revenue)                |
| \$27,500 | GL Code: 001-05201-0100         | Fund Reserve             |
| \$27,500 | GL Code: 001-01899-0600         | Share of Costs-          |
|          |                                 | Harrisonburg             |

#### 6. Fire and Rescue (Public Safety)

A supplemental appropriation approved in the amount of \$30,000 for overtime and part-time salaries. Several issues have contributed to this condition. Primarily, there has been a significant increase in after-hours overtime assistance provided by County personnel. This is predominantly due to a large increase in the request for Advance Life Support on life-threatening emergency medical calls. Approximately \$2,000 per month is expended in this category.

In addition, there have been several medical situations in which an extended leave of absence was necessary requiring extended part-time and overtime coverage. The Overtime and Part-Time expenditures are necessary to retain the minimum levels of service established in the County. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$30,000

|          |                                 |                        |
|----------|---------------------------------|------------------------|
| \$19,000 | GL Code: 001-03201-000-1200-000 | Overtime               |
| \$11,000 | GL Code: 001-03201-000-1300-000 | Salaries & Wages Part- |
|          |                                 | time                   |
| \$30,000 | GL Code: 001-05201-0100         | Fund Reserve           |

#### 7. Fire and Rescue (Public Safety)

A supplemental appropriation approved in the amount of \$15,557. The County has received this additional money from the Virginia Department of Fire Programs and requires no local match.

Supplemental Appropriation: \$15,557

|          |                                 |                    |
|----------|---------------------------------|--------------------|
| \$15,557 | GL Code: 001-03201-900-6065-000 | Minor Equipment    |
| \$15,557 | GL Code: 001-02404-0900         | Fire Programs Fund |
|          |                                 | (Revenue)          |

## 8. Court House Maintenance (Public Works)

A supplemental appropriation is needed in the amount of \$10,000 due to higher heating costs. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$10,000

|          |                                 |                  |
|----------|---------------------------------|------------------|
| \$10,000 | GL Code: 001-04304-000-5102-000 | Heating Services |
| \$10,000 | GL Code: 001-05201-0100         | Fund Reserve     |

## 9. School Office Building Maintenance (Public Works)

A supplemental appropriation approved in the amount of \$39,000 due to higher energy costs, additional rent of the old County office building until the new facility was completed at the end of December and the need to stock laundry and janitorial supplies at the new facility. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$39,000

|          |                                 |                                  |
|----------|---------------------------------|----------------------------------|
| \$14,000 | GL Code: 001-04305-000-5101-000 | Electrical Services              |
| \$20,000 | GL Code: 001-04305-000-5402-000 | Lease/Rent Buildings             |
| \$ 5,000 | GL Code: 001-04305-000-6005-000 | Laundry & Janitorial<br>Supplies |
| \$39,000 | GL Code: 001-05201-0100         | Fund Reserve                     |

## 10. Pleasant Valley Complex Maintenance (Public Works)

A supplemental appropriation is needed in the amount of \$8,500 due to health insurance needing to be recognized, higher energy costs, and supplies for building steps & docks on modular units. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$8,500

|         |                                 |                                  |
|---------|---------------------------------|----------------------------------|
| \$1,500 | GL Code: 001-04306-000-2300-000 | Health Insurance                 |
| \$3,000 | GL Code: 001-04306-000-5101-000 | Electrical Services              |
| \$1,500 | GL Code: 001-04306-000-5102-000 | Heating Services                 |
| \$2,500 | GL Code: 001-04306-000-6007-000 | Repair & Maintenance<br>Supplies |
| \$8,500 | GL Code: 001-05201-0100         | Fund Reserve                     |

## 11. Administrative Center Maintenance (Public Works)

A supplemental appropriation approved in the amount of \$30,000 due to additional repairs and maintenance, higher energy costs, and additional supplies. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$30,000

|          |                                 |                       |
|----------|---------------------------------|-----------------------|
| \$11,000 | GL Code: 001-04309-000-3301-000 | Repairs & Maintenance |
| \$ 4,000 | GL Code: 001-04309-000-5101-000 | Electrical Services   |

|          |                                 |                                  |
|----------|---------------------------------|----------------------------------|
| \$14,000 | GL Code: 001-04309-000-5102-000 | Heating Services                 |
| \$ 1,000 | GL Code: 001-04309-000-6007-000 | Repair & Maintenance<br>Supplies |
| \$30,000 | GL Code: 001-05201-0100         | Fund Reserve                     |

## 12. District Court Building Maintenance (Public Works)

A supplemental appropriation approved in the amount of \$36,500 due to additional repairs and maintenance, higher energy costs, and additional parking spaces leased. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$36,500

|          |                                 |                       |
|----------|---------------------------------|-----------------------|
| \$ 9,000 | GL Code: 001-04310-000-3301-000 | Repairs & Maintenance |
| \$ 9,000 | GL Code: 001-04310-000-5101-000 | Electrical Services   |
| \$ 8,500 | GL Code: 001-04310-000-5102-000 | Heating Services      |
| \$10,000 | GL Code: 001-04310-000-5403-000 | Lease/Rent Parking    |
| \$36,500 | GL Code: 001-05201-0100         | Fund Reserve          |

## 13. Sheriff's Building Maintenance (Public Works)

A supplemental appropriation approved in the amount of \$25,000 due to higher energy costs. These costs will be absorbed by the General Fund Reserve.

Supplemental Appropriation: \$25,000

|          |                                 |                     |
|----------|---------------------------------|---------------------|
| \$ 7,000 | GL Code: 001-04311-000-5101-000 | Electrical Services |
| \$18,000 | GL Code: 001-04311-000-5102-000 | Heating Services    |
| \$25,000 | GL Code: 001-05201-0100         | Fund Reserve        |

## 14. Transfers to Other Funds (Transfers)

A supplemental appropriation approved in the amount of \$2,500,000 for a transfer to the School Capital Projects. This transfer provides funding for the construction projects at J. Frank Hillyard Middle School and Wilbur Pence Middle School which are ahead of schedule. Funding is available from the General Fund Reserve.

Supplemental Appropriation: \$2,500,000

|             |                                 |  |
|-------------|---------------------------------|--|
| \$2,500,000 | GL Code: 001-09301-000-9513-000 | Transfer to School<br>Capital Projects |
| \$2,500,000 | GL Code: 001-05201-0100         | General Fund<br>Reserve                |

## II. SCHOOL CAPITAL PROJECTS FUND

A supplemental appropriation approved in the amount of \$2,500,000 for construction projects at J. Frank Hillyard Middle School and Wilbur Pence Middle School



which are ahead of schedule. Funding is available by a transfer from the General Fund.

Supplemental Appropriation: \$2,500,000

|             |                                |                            |
|-------------|--------------------------------|----------------------------|
| \$1,250,000 | GL Code 103-09402-306-8009-000 | Building Construction      |
| \$1,250,000 | GL Code 103-09402-307-8009-000 | Building Construction      |
| \$2,500,000 | GL Code 103-05101-2001         | Transfer from General Fund |

### III. ASSET FORFEITURE FUND

A supplemental appropriation approved in the amount of \$55,000 for the Asset Forfeiture Fund due to increased expenditures related to drug enforcement, gang prevention, and prosecution. Funding is available from additional State and Federal revenue and the Fund Reserve of the Asset Forfeiture fund.

Supplemental Appropriation: \$55,000

|          |                                 |                               |
|----------|---------------------------------|-------------------------------|
| \$17,000 | GL Code: 211-02201-000-1300-000 | Salaries and Wages Part-time  |
| \$ 1,000 | GL Code: 211-02201-000-2100-000 | FICA/Medicare                 |
| \$ 3,000 | GL Code: 211-02201-000-5501-000 | Mileage                       |
| \$20,000 | GL Code: 211-02201-000-5503-000 | Subsistence & Lodging         |
| \$ 4,000 | GL Code: 211-02201-000-5504-000 | Professional Development      |
| \$10,000 | GL Code: 211-02201-000-6065-000 | Minor Equipment               |
| \$20,000 | GL Code: 211-03307-0200         | Federal Forfeiture Revenue-CA |
| \$ 5,000 | GL Code: 211-02407-0200         | State Forfeiture Revenue-CA   |
| \$30,000 | GL Code: 211-05201-0100         | Fund Reserve                  |

### IV. SOCIAL SERVICES DISTRICT FUND

As requested by the Director of Social Services, a supplemental appropriation in the amount of \$100,000 for Aid to Families with Dependant Children-Foster Care (AFDC). The full amount is federal and state funded requiring no local match.

Supplemental Appropriation: \$100,000

|           |                                 |                           |
|-----------|---------------------------------|---------------------------|
| \$100,000 | GL Code: 220-05302-200-5705-000 | AFDC-Foster Care          |
| \$ 50,000 | GL Code: 220-02401-0100         | Public Assistance State   |
| \$ 50,000 | GL Code: 220-03303-0100         | Public Assistance Federal |

### V. CENTRAL STORES FUND

A supplemental appropriation approved in the amount of \$14,000 for the Central Stores Fund due to an increase in toner purchases. These costs will be offset by supplemental revenues of the Central Stores.

Supplemental Appropriation:   \$14,000

|          |                                 |                       |
|----------|---------------------------------|-----------------------|
| \$14,000 | GL Code: 303-01222-000-6014-000 | Computer Supplies     |
| \$14,000 | GL Code: 303-01619-0300         | Office Supply Charges |

VI. WATER AND SEWER FUND

\$361,000 is approved for the following items:

- The Harrisonburg-Rockingham Regional Sewer Authority budgeted expenses and the County’s percentage of these expenses have dramatically increased during this fiscal year. There are \$90,000 of additional costs expected.
- There is a reduction of \$200,000 in site improvements for the Belmont upgrade that was planned but not executed in this fiscal year.
- A \$100,000 increase is approved in water line construction due to a \$51,000 upgrade to the Overbrook Farms water line that was previously approved by the Board of Supervisors and a \$49,000 carryover for the balance of the Spotswood Water Tank.
- \$260,000 is approved for sewer line construction which is a carryover form the prior fiscal year for the completion of the Lakewood Sewer Project.
- A reduction of \$260,000 is approved for the Wal-Mart Water &Sewer Project which was previously completed.
- \$371,000 is approved as a carryover from the prior fiscal year for the construction of the Grassy Creek Water Tank.

Funding will come from the Fund Reserve of the Water & Sewer Utility Fund.

Supplemental Appropriation: \$361,000

|              |                                 |                                |
|--------------|---------------------------------|--------------------------------|
| \$ 90,000    | GL Code: 401-04402-000-7001-000 |                                |
| \$ (200,000) | GL Code: 401-04402-000-8305-000 | Site Improvements              |
| \$ 100,000   | GL Code: 401-04402-000-8306-000 | Water Line Construction        |
| \$ 260,000   | GL Code: 401-04402-000-8307-000 | Sewer Line Construction        |
| \$ (260,000) | GL Code: 401-04402-000-8338-000 | Wal-Mart Water & Sewer Project |
| \$ 371,000   | GL Code: 401-04402-000-8344-000 | Grassy Creek Water Tank        |
| \$ 361,000   | GL Code: 401-05201-0100         | Fund Reserve                   |

VII. COUNTRYSIDE SANITARY DISTRICT

A supplemental appropriation approved in the amount of \$5,000 for the Countryside Sanitary District for the final payment to close out the water line construction project. Revenue from real estate tax collection for the second billing of 2005 taxes was not originally budgeted.

Supplemental Appropriation: \$5,000

|         |                                 |                                   |
|---------|---------------------------------|-----------------------------------|
| \$5,000 | GL Code: 405-04401-000-8306-000 | Water Line<br>Construction        |
| \$5,000 | GL Code: 405-01101-0131         | R/E Taxes 2005-<br>Second Billing |

VIII.SOLID WASTE FUND

A supplemental appropriation approved in the amount of \$410,000 for the Solid Waste Fund for the land acquisition previously authorized (\$269,000) and \$141,000 for engineering expenditures for the landfill upgrade (new cell). These costs will be funded by revenue received from the City of Harrisonburg and from the Solid Waste Fund Reserve.

Supplemental Appropriation: \$410,000

|           |                                 |                                   |
|-----------|---------------------------------|-----------------------------------|
| \$269,000 | GL Code: 410-04204-000-8305-000 | Site Acquisition &<br>Development |
| \$141,000 | GL Code: 410-04204-000-8310-000 | Landfill Upgrade<br>(New Cell)    |
| \$256,000 | GL Code: 410-05201-0100         | Fund Reserve                      |
| \$154,000 | GL Code: 410-01899-0600         | Capital Cost-Harrisonburg         |

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Paxton’s staff report dated June 20, 2006, including information concerning Fire & Rescue funding, Scenic Byway designation, the Liberty Travel Center at Mauzy, Community Corrections Justice Board (CCJB) activities, housing matters, and purchase of development rights.

Mr. Paxton advised that a letter was sent regarding the Liberty Travel Center’s adherence to the conditions of its special use permit.

He reported that the CCJB met and considered several matters concerning the Sheriff and Court System. First, staff will coordinate with the local legislative delegation to update them on the local concern for funding. Mr. Paxton noted that approximately 5.5 million dollars was included in the State approved budget for court security. The CCJB asked the County Administrator, City Manager, Sheriff and Central Shenandoah Planning District Commission

(CSPDC) to prepare a proposal for a community corrections resources plan that will be presented to the Board and City Council for approval in July 2006. The CCJB endorsed the fees of court services; final approval lies with the State Board. Finally, action is pending on the Sheriff's request for additional bailiffs, subject to preparation of alternatives for staffing.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution 06-14 regarding deer population management.

**RESOLUTION  
DEER MANAGEMENT**

**WHEREAS**, a large percentage of Rockingham County is included in the George Washington National Forest and the Shenandoah National Park, which should provide ample acreage for an increase in the deer herd in this area if properly managed; and

**WHEREAS**, the deer population has decreased on public lands within the County due to forest overgrowth resulting in a shortage of food supply for the forest's wildlife population, especially deer, thereby shifting the herd to the County's agricultural lands and into its residential subdivisions and towns; and

**WHEREAS**, a petition was filed by then Governor Mark Warner in December 2005, requesting permanent roadless area protection for certain areas within the George Washington and Jefferson National Forests; and

**WHEREAS**, although the Board of Supervisors does not oppose this roadless area protection, the Board urges that adequate management exceptions be included in the George Washington National Forest Management Plan to allow for the promulgation and protection of certain wildlife areas by encouraging young growth forests, which provides adequate habitat for Rockingham County's deer population; and

**WHEREAS**, the Board of Supervisors has further expressed its support for incorporating revisions to the Deer Management Plan under consideration by the Virginia Department of Game and Inland Fisheries to encourage the redistribution of the population of deer in Rockingham County, noting the County's concern that the deer population on public lands has declined over the last several years; and

**WHEREAS**, in order to support the tourism industry in the area and the sport activity that is encouraged during the deer hunting season, the Board supports actions to improve the habitat in the National Forest, including a proposal to establish micromanagement areas limiting the number of antlered deer that can be harvested and prohibiting the harvesting of doe in the short term to help restore the herd in these areas; and

**WHEREAS**, the Board has taken action in the past year to support the wildlife habitat of the area by working with

the USDA to control coyotes, by controlling the gypsy moth infestation through a spray program, and by supporting action by the Virginia Department of Game and Inland Fisheries to increase the deer population in Rockingham County;

**NOW, THEREFORE, BE IT RESOLVED** that the Rockingham County Board of Supervisors urges the County's Federal and State legislative delegation, and the appropriate State and Federal agencies, to assist in efforts to enhance the quality and quantity of deer in western Rockingham County (west of Interstate 81) and to migrate the County's deer population primarily onto the public lands and away from the County's farms and residential communities by allowing State and Federal officials to adequately implement strategies such as micromanagement, controlled burning and other methods of forest thinning critical to providing young growth forests and other appropriate habitats for deer and other wildlife in the public land areas in Rockingham County; and

**BE IT FURTHER RESOLVED** that these appropriate management exceptions be included in any plan regulating inventoried roadless areas in the George Washington National Forest.

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**COUNTY ATTORNEY'S STAFF REPORT.**

The Board received and reviewed Mr. Brown's staff report dated June 23, 2006, including information on procurement of software systems, annexation matters, litigation and local government guarantee without standby trust.

He advised that staff is preparing to three RFPs for Requests for Proposal (RFPs) for software systems. One system is for a fully-integrated permit management system to be utilized by the Department of Community Development. Another is a document imaging and management system to be utilized on the County's current network. The third is a web hosting agreement for the County's web site. While the preferred method of procurement in Virginia remains competitive sealed bids, the unique nature of computer software and associated hardware, and the required services necessary to successfully implement such software, make competitive negotiation a far superior method of procurement for those goods. In order to utilize competitive negotiation, the Board of Supervisors must find that competitive sealed bidding is either not practical or not fiscally advantageous to the public.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following determination for each of the software RFPs described above.

*Rockingham County is preparing to issue three Requests for Proposal for computer software systems. One system is for a fully-integrated permit management system, and a second is for a document imaging and management system. The third is a web hosting agreement for the County's web site. Due to the highly complex nature of these systems and the need for flexibility in the design and implementation of the systems, and the critical nature of the services needed in connection with the implementation of those systems, the Board hereby finds that for each of the RFPs to be issued by Rockingham County for computer systems, competitive sealed bidding is not practical nor fiscally advantageous to the public and to Rockingham County Administration. Therefore, the Board authorizes staff to move forward in the procurement of these two software systems through competitive negotiation.*

He advised that the County was recently notified that three underground storage tanks located on School Board property fall under the authority of the Virginia Department of Environmental Quality (DEQ) and that the Virginia Petroleum Storage Tank Financial Responsibility Requirements Regulation requires a local government guarantee so that the School Board may take advantage of certain state funds in the event of a release from the tanks which results in damages to persons or property. He noted that, if a guarantee is executed, the maximum liability that can be incurred by the School Board or Rockingham County is \$5,000 per occurrence up to \$20,000 per year. Considering the potentially massive cost of cleaning up after underground storage tank releases, this is quite a bargain. Any amounts above the \$5,000 per occurrence or \$20,000 per year will be paid by the State. He presented for the Board's consideration the Local Governmental Guarantee Without Standby Trust, and advised that staff had prepared the necessary financial statements so that the County and the School Board would be covered under this program.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following

LOCAL GOVERNMENT GUARANTEE WITHOUT STANDBY TRUST  
MADE BY A LOCAL GOVERNMENT

Guarantee made this 28<sup>th</sup> day of June, 2006, by the Board of Supervisors of Rockingham County, a local government organized under the laws of Virginia, herein referred to as guarantor, to the Virginia Department of Environmental Quality and to any and all third parties, and obliges, on behalf of the Rockingham County School Board.

**Recitals**

(1) Guarantor meets or exceeds the local government financial test requirements of 40 CFR Part 280.105.

(2) The Rockingham County School Board owns or operates the following underground storage tank(s) covered by this guarantee:

South River Elementary School

A single 10,000 gallon tank located approximately 250 feet off the southwest corner of the school. This tank is used for diesel fuel only.

Wilbur S. Pence Middle School

A single 10,000 gallon tank located approximately 500 feet from the southeast corner of the school. This tank is used for diesel fuel only.

Elkton Middle School

A single 10,000 gallon tank located approximately 250 feet off the northwest corner of the school. This tank is a split tank equipped with a bulkhead separating it into two separate tanks, one a 7,000 gallon tank for diesel fuel and a 3,000 gallon tank for gasoline.

All remaining tanks are above ground tanks located at Spotswood High School, Hillyard Middle School and the bus garage.

This guarantee satisfies 40 CFR Part 280, Subpart H requirements for assuring funding for "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; arising from operating the above-identified underground storage tank(s) in the amount of five thousand dollar (\$5,000) per occurrence and twenty thousand dollars (\$20,000) annual aggregate.

(3) Incident to our substantial governmental relationship with the Rockingham County School Board, guarantor guarantees to the Virginia Department of Environmental Quality and to any and all third parties and obliges that:

In the event that the Rockingham County School Board fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the Director of the Virginia Department of Environmental Quality has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon written instructions from the Director shall make funds available to pay for corrective actions and compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

In the event that the Director determines that the Rockingham County School Board has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with 40 CFR part 280, subpart F, the guarantor upon written instructions from the Director shall make funds available to pay for

corrective actions in an amount not to exceed the coverage limits specified above.

If the Rockingham County School Board fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by "sudden" and/or "nonsudden" accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the Director, shall make funds available to compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

(4) Guarantor agrees that, if at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet or exceed the requirements of the financial responsibility mechanism specified in paragraph (1), guarantor shall send within 120 days of such failure, by certified mail, notice to the Rockingham County School Board, as evidence by the return receipt.

(5) Guarantor agrees to notify the Rockingham County School Board by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of the Rockingham County School Board pursuant to 40 CFR part 280.

(7) Guarantor agrees to remain bound under this guarantee for so long as the Rockingham County School Board must comply with the applicable financial responsibility requirements of 40 CFR part 280, Subpart H for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to the Rockingham County School Board, such cancellation to become effective no earlier than 120 days after receipt of such notice by the Rockingham County School Board, as evidenced by the return receipt. If notified of a probable release, the guarantor agrees to remain bound to the terms of this guarantee for all charges arising from the release, up to the coverage limits specified above, notwithstanding the cancellation of the guarantee with respect to future releases.

(8) The guarantor's obligation does not apply to any of the following:

- (a) Any obligation of the Rockingham County School Board under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of the Rockingham County School Board arising from, and in the course of employment by the Rockingham County School Board;



- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by the Rockingham County School Board that is not the direct result of a release from a petroleum underground storage tank;
- (e) Bodily damage or property damage for which the Rockingham County School Board is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 40 CFR part 280.93.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the Virginia Department of Environmental Quality, by any or all third parties, or by the Rockingham County School Board.

I hereby certify that the wording of this guarantee is identical to the wording specified in 40 CFR part 280.106(d) as such regulations were constituted on the effective date shown immediately below.

Effective date: June 28, 2006

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**DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report dated June 22, 2006, including information on the Technological and Industrial Park (TIP), proposed warehouse building, stream repairs and miscellaneous projects, issue and meetings.

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**FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Allmendinger's staff report dated June 20, 2006, 2006, including information concerning financing for Pence and Hillyard Middle School capital projects. A recommendation will be made to the Board on July 12, 2006.

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**PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Heidt's staff report dated June 28, 2006, including information concerning the schedule for Penn Laird Drive and Water Tower Road sewer (required easement being sought); McGaheysville WWTP (letter submitted to DEQ); Phase III Landfill extension (bid documents complete, RFQ has been advertised); Three Springs Water system analysis (final report made by Peed & Bortz earlier in the day); Pleasant Run Interceptor (design complete; awaiting DEQ approval); Lilly Gardens (Board action requested to authorize contract for well upgrade); City of Harrisonburg Waste to Energy Plant; Montevideo Water Booster Station Emergency Generator and Transfer Switch (Leon Electric contracted to complete project); and Highland Park and Belmont Sewage Lift Stations (bidding and construction to take place in 06-07 fiscal year).

In regard to Lilly Gardens, on motion by Supervisor Ahrend, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized contracting with the low bidder (EGIS in the amount of \$6,395) for well upgrades that have the potential to eliminate the need for development of a filtration treatment process for the Lilly system.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated June 28, 2006, including information concerning Dewey Ritchie's term on the Planning Commission; Virginia Byways Program; priority projects under way, summary of upcoming requests and tabled requests.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board reappointed Dewey Ritchie to the Planning Commission for a four-year term expiring on August 31, 2010.

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**COMMITTEE REPORTS.**

The Board heard committee reports from Board members and staff.

Mr. King reported that the budget included funds to purchase seven four-wheel drive vehicles; two for Fire and Rescue, four for the Sheriff's Department and one for Community Development. He noted that the Board approved purchasing a 2006 vehicle for Community Development at the last (June 14) meeting. He advised that, as staff discussed with the Automobile Committee, Sheehy Ford of Richmond indicated that they had a limited number of 2007 vehicles (nine total) that they would make available for purchase at 2006 State Contract pricing. He noted that, with the concurrence of the Automobile Committee, staff has proceeded with issuance of a Purchase Order to Sheehy Ford for seven 2007 Ford Explorers at 2006 State Contract price. He noted that the 2007 model includes three required options; skid plates, tow package, and floor mats, at an additional cost of \$550 per vehicle.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved purchase of the two vehicles for Fire & Rescue, four vehicles for the Sheriff's Department, and \$550 in addition to the amount approved previously for Community Development to purchase the seven Ford Explorers from Sheehy Ford of Richmond at a cost of \$20,507 each.

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board agreed that the County will act as fiscal agent for fiscal year 2006-2007 for the Blue Ridge Disability Services Board (BRDSB).

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#### **CLOSED MEETING.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 9:38 p.m. to 10:09 p.m., in accordance with State Code Sections 2.2-3711(A)(3) land acquisition, (5) discussion concerning a prospective business and industry where no previous announcement has been made; and (7) consultation with legal counsel.

At 10:09 p.m., Chairman Breeden called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER            RESOLUTION NO: X06-11  
SECOND: SUPERVISOR AHREND        MEETING DATE: JUNE 28, 2006

#### **CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an

affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

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**ADJOURNMENT.**

At 10:10 p.m., Chairman Breedon declared the meeting adjourned.

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Chairman